

Message Text

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C O N F I D E N T I A L WARSAW 0689

E.O. 11652: GDS
TAGS: CSCE CGEN CVIS SHUM PL US
SUBJ: PRESIDENTIAL VISIT - FREEDOM OF MOVEMENT - THREE DIVIDED
 FAMILY CASES

REFS: (A) WARSAW 0358; (B) STATE 014696

1. ON JANUARY 24, DURING A MEETING WITH VICE DIRECTOR MICKIEWICZ OF THE FOREIGN MINISTRY'S CONSULAR DEPARTMENT, THE CHIEF OF THE EMBASSY'S CONSULAR SECTION MENTIONED AGAIN THE KENNEDY-STROJEK, PIKE-BIEGUNSKI, AND MARIA KOTLARZ CASES. HE SAID THE USG WISHES A SPEEDY AND FAVORABLE RESOLUTION OF THESE CASES. MICKIEWICZ SAID HE WAS AWARE OF THE FREQUENCY AND LEVEL OF DISCUSSIONS OF THESE CASES AND HE KNEW THEY HAD BEEN SPECIFICALLY MENTIONED DURING THE MEETING BETWEEN SECRETARY VANCE AND FOREIGN MINISTER WOJTASZEK ON DECEMBER 30. HE THEN COMMENTED AS FOLLOWS ON EACH.

2. KENNEDY-STROJEK:

HE STILL DID NOT KNOW EXACTLY WHAT WAS INVOLVED IN THE REFUSAL OF A PASSPORT TO JERZY STROJEK. HE SAID HE KNEW THAT FAVORABLE RESOLUTION OF THIS CASE WOULD REMOVE AN IRRITANT FROM OUR BI-LATERAL RELATIONS. HOWEVER, AND HERE HE SHRUGGED HIS SHOULDERS, THE FOREIGN MINISTRY DID NOT PLAY A KEY ROLE IN THE DECISIONS ON SUCH CASES.

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3. PIKE-BIEGUNSKI:

MICKIEWICZ SAID THERE WOULD BE NO PROBLEM IN ISSUANCE OF A PASSPORT TO MACIEJ BIEGUNSKI ONCE HE GIVES ASSURANCES THAT HE WILL MAKE CHILD-SUPPORT PAYMENTS FOR CHILDREN FROM A PREVIOUS MARRIAGE. THESE PAYMENTS MAY BE IN A LUMP SUM OR PERIODICALLY UNTIL THE CHILDREN ARE OF AGE. SO FAR, HE SAID, BIEGUNSKI HAD

NOT GIVEN THAT ASSURANCE. FURTHERMORE, HE SAID, BIEGUNSKI HAD NOT KEPT AN APPOINTMENT WITH THE PASSPORT OFFICE IN WARSAW TO DISCUSS THIS QUESTION. EMBOFF SAID WE HAD HEARD THAT BIEGUNSKI HAD ENGAGED AN ATTORNEY TO HELP IN RESOLVING THE CHILD-SUPPORT QUESTION. MICKIEWICZ ASKED THE EMBOFF TO SUGGEST HOW A SOLUTION TO THE CHILD-SUPPORT PROBLEM COULD BE REACHED, IN LIGHT OF THE NON-ADHERENCE BY THE UNITED STATES TO THE NEW YORK CONVENTION ON CHILD SUPPORT. EMBOFF REPLIED THAT BIEGUNSKI WAS REPRESENTED BY COUNSEL AND, FURTHERMORE, THAT USG OFFICERS COULD NOT PROPERLY COMMENT ON SUCH MATTERS, WHICH GENERALLY ARE CONTROLLED BY THE VARIOUS STATES UNDER US CONSTITUTIONAL PRACTICE. MICKIEWICZ REPEATED THAT THERE WAS NO BASIS PROBLEM TO THE ISSUANCE OF A PASSPORT TO BIEGUNSKI EXCEPT THE QUESTION OF CHILD SUPPORT.

4. MARIA KOTLARZ:

MICKIEWICZ SAID MARIA KOTLARZ HAS A POLISH CITIZEN HUSBAND IN POLAND WHO DOES NOT WANT TO BE SEPARATED FROM HIS WIFE. THE GOP HAS TO TAKE THIS INTO ACCOUNT. MICKIEWICZ THEN SAID COMMON SENSE RATHER THAN LEGALITIES SHOULD DETERMINE THE SOLUTION TO THIS CASE. HE THEN ASKED IF THE SOLUTION MIGHT BE FOR MARIA KOTLARZ AND HER HUSBAND TO TRAVEL TO THE UNITED STATES TOGETHER. EMBOFF RESPONDED THAT, IF THE POLISH AUTHORITIES PERMITTED MARIA KOTLARZ AND HER HUSBAND TO TRAVEL TO THE UNITED STATES AND IF THE HUSBAND WANTED TO ACCOMPANY HER, HE ANTICIPATED

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NO PROBLEMS IN ISSUING THE HUSBAND AN APPROPRIATE VISA. EMBOFF ADDED THAT THE USG FELT MARIA KOTLARZ SHOULD LEAVE POLAND AND TRAVEL TO THE UNITED STATES ON HER AMERICAN PASSPORT. THIS WOULD PRESERVE THE VALUE OF THE CONSULAR CONVENTION AND ITS PROTOCOL AS EMBODIED IN THE STOESSEL-SPASOWSKI AGREEMENT. DILUTION OF THE CONSULAR CONVENTION AND ITS PROTOCOL WAS NOT IN THE INTEREST OF TIEHR THE GOP OR THE USG. MICKIEWICZ SAID HE UNDERSTOOD THE AMERICAN POSITION, BUT ADDED THAT THIS CASE INVOLVED COMPLICATED PROBLEMS OF POLISH LAW.

7. COMMENT: MICKIEWICZ SAID THE FOREIGN MINISTRY WOULD LIKE TO RESOLVE THESE CASES. HE SEEMED TO BE SUGGESTING, HOWEVER, THAT THE FOREIGN MINISTRY DID NOT HAVE SUFFICIENT CLOUT TO GET ITS WAY.

8. WE WILL CONTINUE RAISING THESE CASES WITH THE POLES AT ALL APPROPRIATE OPPORTUNITIES. THE PIKE-BIEGUNSKI CASE MAY BE MOVING TO RESOLUTION AND WE WILL DISCUSS THE SITUATION WITH BIEGUNSKI SHORTLY. THE SUGGESTION THAT MARIA KOTLARZ AND HER HUSBAND BOTH GO TO THE UNITED STATES IS A NEW WRINKLE. WE WILL ASK MARIA KOTLARZ FOR HER VIEWS. END COMMENT.

DAVIES

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